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PATENT
Old Docket No. 144010.00100
Attorney Docket No. 8106.002.USIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Phillip M. SANTISI

Application Number: 10/615,407

Filed: July 9, 2003

For: FASTENING DEVICE

Group Art Unit: 3677

Examiner: James R. Brittain

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Mail Stop PETITION

**SECOND REQUEST TO RECONSIDER PETITION
TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

Applicant respectfully requests for a second time that the U.S. Patent and Trademark Office (the "PTO") withdraw its abandonment of the above-identified patent application. The apparent facts of this matter are as follows:

Applicant received an Office Action mail dated July 12, 2004. A response to that Action (the "Response") was filed August 12, 2004.

Applicant filed a change of address form on February 4, 2005.

A Notice of Abandonment, mail dated February 18, 2005, was sent to Applicant's prior address. No further Notice was provided by the PTO. Because of this error, the Notice was never received by Applicant.

Shortly before November 15, 2005, Applicant reviewed the status of this application through Public PAIR and noticed that the PTO had declared this application abandoned for failure to respond to the Office Action of July 12, 2004.

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On November 15, 2005, Applicant submitted a Petition to withdraw the holding of abandonment. As was stated on the Petition itself, the Petition included a copy of Applicant's Response and a copy of the postcard showing that the Response was properly received by the PTO on November 12, 2004.

Applicant respectfully submits that the post card stamped by the PTO is *prima facie* evidence of receipt by the PTO of Applicant's response. No other evidence is required or should be necessary in having the Notice of Abandonment withdrawn. See M.P.E.P. 503.

On or about June 9, 2006, and having received no communications from the PTO on this application, Applicant reviewed the status of this application through Public PAIR and noticed that the PTO dismissed Applicant's Petition in a communication mail dated March 20, 2006, stating that:

"... a review of the record shows that the Office had not received a copy of the reply or the post card receipt. On renewed petition, evidence in support of the petition should be provided."

For reasons that are unknown, Applicant never received the Notice of Dismissal. Nevertheless, Applicant respectfully disagrees with the Notice of Dismissal.

As best as Applicant is able to determine, it appears that Applicant's Petition was considered without the enclosed evidence, namely the Response and the post card evidencing the timely receipt by the PTO of the Response. It is believed that the Petition became uncoupled from the evidentiary documents submitted with the Petition. This was an error by the PTO because these documents were all submitted together as is stated on the Petition itself. A copy of that Petition is enclosed.

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Also enclosed are copies of Applicant's Response and Applicant's stamped post card clearly showing that the Response was received by the PTO on August 12, 2004.

Accordingly, Applicant respectfully petitions the PTO for withdrawal of the holding of abandonment for this application.

The March 20, 2006 Notice further states that Applicant has two months to supply a renewed petition with evidence. However, that Notice was never received by Applicant. Therefore, Applicant was unable to respond within the two month window.

Although this Second Petition is being submitted after the two month window, because the Notice of Dismissal was never received by the undersigned and because this all appears to have been caused by a series of errors by the PTO, Applicant again respectfully requests that the abandonment be withdrawn. If it is necessary for this further request to be considered another Petition to expand the two month window, Applicant so Petitions the PTO.

Conclusion

The application should never have been abandoned by the PTO because Applicant timely responded to the Office Action. Also, Applicant's First Petition should have been granted because Applicant provided sufficient evidence that it had filed a timely response with the Petition.

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In the event any fee is deemed necessary, including any fee for an extension of time, Applicant respectfully petitions for that extension and the undersigned authorizes the Commissioner to charge the undersigned's Deposit Account No. 14-1437.

Respectfully submitted,
NOVAK DRUCE & QUIGG LLP

Date: June 12, 2006

By: _____


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PATENT

DATE: November 15, 2005

Applicant: Philip M. SANTISI

Application No.: 10/615,407

Title: FASTENING DEVICE

Old Docket No.: 54448-20001,00

New Docket No.: 144010.00100

Atty: JR/nej

Client: Technology Systems Services

Filing Date: July 9, 2003

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☒ Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(d) (2 pgs)



PATENT
NEW ATTORNEY DOCKET NO. 144010.00100
OLD ATTORNEY DOCKET NO. 54448-200021.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Phillip M. Santisi)
Filing date: July 9, 2003) Group Art Unit: 3677
Application No. 10/615,407) Examiner: James R. Brittain
Title: FASTENING DEVICE)

MAIL STOP: PETITION

Attn: Commissioner for Patents
United State Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Applicant respectfully Petitions the Commissioner of the United States Patent and Trademark Office ("PTO") to withdraw the holding of abandonment of the above-captioned patent application, under 37 C.F.R. § 1.181(a).

The application stands abandoned for failure to respond to an Office Action mail dated July 12, 2004. However, a complete response was filed by Applicant on August 12, 2004. Pursuant to MPEP § 711.03(c) I. B., second paragraph, please find enclosed a copy of Applicant's response, and a copy of the post card showing that the response was received by the PTO Mail Room on August 12, 2004.

Applicant respectfully notes that this Petition is being filed promptly. The undersigned discovered this morning that the instant application had been listed as abandoned on the PTO web site. The undersigned also determined from the web site that a Notice of Abandonment (mail dated February 18, 2005) was mailed to the undersigned, but to applicant's prior law firm.

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APPLICATION NO. 10/615,407

PATENT

NEW ATTORNEY DOCKET NO. 144010.00100
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However, a proper Change of Address had been filed on February 4, 2005, well prior to the issuance of the Notice. Neither the undersigned nor Applicant ever received the Notice.

Applicant's prior law firm failed to forward the Notice of Abandonment or even notify the undersigned that the Notice of Abandonment had been received. Therefore, this petition, being filed the day the abandonment was discovered, is believed to be more than timely filed.

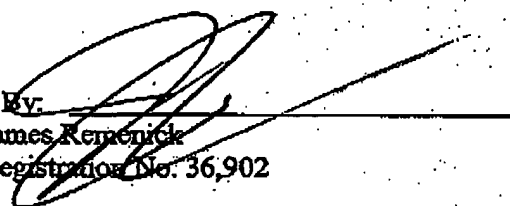
Applicant respectfully requests that the Notice of Abandonment be withdrawn and that the application proceed to examination without further delay.

Under 37 C.F.R. § 1.181(a) this petition does not require a fee.

Nevertheless, if there are any fees due with the filing of this Petition, applicant respectfully requests that any and all such fees be charged to the undersigned's Deposit Account No. 50-1682, also referencing Attorney Docket No. 144010.00100.

Respectfully submitted,
POWELL GOLDSTEIN LLP

Date: November 15, 2005

By: 
James Remenick
Registration No. 36,902

Enclosed: Response to Office Action
Copy of Stamped Post Card

Customer No. 51362

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PATENT

DATE: August 12, 2004

Applicant: Philip M. SANTISI

Application No.: 10/615,407

Title: FASTENING DEVICE

Docket No.: 54448.20001.00

Atty: JR/mej

Client: Technology Systems
Services

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☒ Response to Restriction Requirement



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